

TOWN OF UNDERHILL BOARD OF CIVIL AUTHORITY

RULES OF PROCEDURE

A. PURPOSE.

Vermont law requires the Town of Underhill Board of Civil Authority ("BCA") to conduct its meetings in accordance with the Vermont Open Meeting Law. 1 V.S.A. §§ 310-314. BCA meetings must be open to the public at all times, except as provided in 1 V.S.A. § 313.

B. APPLICATION.

This policy setting forth rules of procedure shall apply to the BCA and all regular, special, and emergency meetings of the BCA.

C. ORGANIZATION.

1. The BCA is composed of the Town Clerk, Selectboard members and justices of the peace residing in Underhill. The BCA shall annually elect a chair and a vice-chair. The BCA chair or, in the chair's absence, the vice-chair shall preside over all meetings. If both the chair and the vice-chair are absent, a member selected by the BCA shall act as chair for that meeting. The Town Clerk shall be the BCA clerk.
2. The chair shall preserve order in the meeting and shall regulate its proceedings by applying these rules and making determinations about all questions of order or procedure.
3. The act of a majority of the BCA present shall be treated as an act of the BCA as long as there are at least three members present. 24 V.S.A. § 801.
4. No single member of the BCA shall have authority to represent or act on behalf of the BCA unless, by majority vote, the BCA has delegated such authority for a specific matter at a duly-noticed meeting and such delegation is recorded in the meeting minutes.
5. Before hearing appeals from a person aggrieved by the final decision of the listers, BCA members shall each take, subscribe and file the following oath in the Town Clerk's office: "I do solemnly swear (or affirm) that I will well and truly hear and determine all matters at issue between taxpayers and listers submitted for my decision. So help me God." (or, "under the pains and penalties of perjury.") 32 V.S.A. § 4405.
6. Motions made by BCA members require a second. The BCA chair may make motions and may vote on all questions before the BCA. A motion will only pass if it receives the votes of a majority of the BCA members present.
7. There is no limit to the number of times a BCA member may speak to a question. Motions to close or limit debate will be entertained.
8. Any BCA member may request a roll call vote. Pursuant to 1 V.S.A. § 312(a)(2), when one or more BCA members attend a meeting electronically, a roll call vote is required for votes that are not unanimous.
9. Meetings may be recessed to a time and place certain.

10. These rules may be amended by a majority vote of a quorum of the BCA present at a meeting, and must be readopted annually.

D. AGENDAS.

1. Each regular and special BCA meeting shall have an agenda, with time allotted for each item of business to be considered by the BCA. Those who wish to be added to the meeting agenda shall contact the Town Clerk to request inclusion on the agenda. The chair shall determine the final content of the agenda.
2. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted on the Town website, in the Town Clerk's office, and in Jacob's Family Market and Underhill Center post office. The agenda must also be made available to any person who requests such agenda prior to the meeting.
3. All business shall be conducted in the same order as it appears on the noticed agenda, except that any addition to or deletion from the noticed agenda must be made as the first act of business at the meeting. No additions to or deletions from the agenda shall be considered once the first act of business at the meeting has commenced. Any other adjustment to the noticed agenda, for example, changing the order of business, postponing or tabling actions, may be made by a majority vote of a quorum of the BCA present at a meeting.

E. MEETINGS.

1. The Town Clerk or, on application, one of the Selectboard members may call a meeting of the BCA by giving written notice to each BCA member and by posting a notice on the Town website, in the Town Clerk's office, and in the Underhill Flats and Underhill Center post offices.
2. Special meetings shall be publicly announced at least 24 hours in advance by giving notice to all BCA members unless previously waived; to an editor, publisher or news director, or radio station serving the area; and to any person who has requested notice of such meetings. In addition, notices shall be posted on the Town website, on Front Porch Forum, in the Town Hall, and in Jacob's Family Market and Underhill Center post office.
3. Emergency meetings may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the BCA.
4. A BCA member may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location, so long as the member identifies him or herself when the meeting is convened, and is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting that is not unanimous must be done by roll call. If a quorum or more of the BCA attend a meeting (regular, special, or emergency) without being physically present at a designated meeting location, the agenda for the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one BCA member or at least one staff or designee of the BCA shall be physically present at each designated meeting location.
5. No BCA member may serve on the BCA for the purpose of tax appeals during any year in which he or she brought an appeal to the BCA on any property that he or she owns in whole or part, or in which he or she acted as an agent or attorney for an appellant property owner. 32 V.S.A. § 4404(d).

5. Prior to testifying in appeals from a final decision of the listers, witnesses shall take the following oath: "I hereby swear or affirm that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth under the pains and penalties of perjury."
6. A committee of not less than three members of the BCA shall inspect each property, the appraisal of which is being appealed, and shall report to the BCA within 30 days from the hearing on the appeal and before the final decision pertaining to the property.
7. All objections filed in writing with the BCA at or prior to the time fixed for hearing appeals shall be determined by the board, notwithstanding that the person filing the objections fails to appear in person or by agent or attorney. 32 V.S.A. § 4408(a).
8. The BCA deliberations in connection with a quasi-judicial proceeding are a closed session. 1 V.S.A. § 312(e).
9. The BCA shall, within 15 days from the time of the committee report, certify in writing its notice of decision, with reasons, and shall file such notice with the town clerk. 32 V.S.A. § 4404(c).

F. PUBLIC PARTICIPATION.

1. All BCA meetings are meetings in the public, not of the public. Members of the public shall be afforded reasonable opportunity to express opinions about matters considered by the BCA, so long as order is maintained according to these rules.
2. At the beginning of each agenda item, but before any action is taken by the BCA at each meeting, there may be five minutes afforded for open public comment. By a majority vote of a quorum of the BCA present at a meeting, the BCA may increase the time for open public comment and its place on the agenda.
3. The public or BCA members must address their comments to the chair or to the BCA as a whole, and not to any individual BCA member or public.
4. The chair must acknowledge members of the public before they speak.
5. If a member of the public has already spoken on a topic, he or she may not be recognized again until others have first been given the opportunity to comment.
6. Members of the public may observe the quasi-judicial BCA proceedings, but may not comment. In these quasi-judicial proceedings, the BCA may only take evidence from the taxpayer, a lister and anyone called as a witness. 1 V.S.A. § 312(h).
7. All persons present at the meeting shall observe order and decorum. Neither BCA members nor the public shall delay or interrupt the proceedings or the peace of the meeting or interrupt or disturb any member while speaking. All persons present at the meeting are prohibited from making personal, impertinent, threatening, or profane remarks.
8. BCA members and members of the public shall obey the orders of the chair or other presiding member. The chair should adhere to the following process to restore order and decorum of a meeting, but may bypass any or all steps when he or she determines in his or her sole discretion that deviation from the process is warranted:
 - a. Call the meeting to order and remind the members of the applicable rules of procedure.

- b. Declare a recess or table the issue.
- c. Adjourn the meeting until a time and date certain.
- d. Order the constable to remove disorderly person(s) from the meeting.

ADOPTED:



Pat Sabalis, Chair



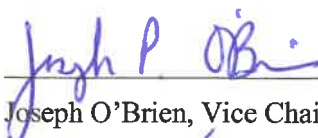
Jim Beebe-Woodard



Peter Geiss

Peter Duval

Bill Frank



Joseph O'Brien, Vice Chair



Dan Steinbauer



Bob Stone

Linda Almy



Sherri Morin

Dated this 5th day of August 2020.

Amended 8/5/20